

## REMARKS

As a preliminary matter, Applicants respectfully request consideration of the reference listed on the Information Disclosure Statement filed on February 12, 2004.

The drawings stand objected to under 37 C.F.R. §1.83(a). Independent claim 10 has been amended to delete “a first controller” and “a second controller” in favor of “a controller” for both decreasing and increasing the rotational speed. Applicants believe that the amendments to claim 10, and its dependent claims, overcome the objection to the drawings, and accordingly, respectfully request withdrawal of the objection.

Claims 1 and 10 stand rejected under 35 U.S.C. §102(e) as being anticipated by Takayuki (JP Pub. No. 200207815 A). Applicants respectfully traverse this rejection because the cited reference does not disclose (or suggest) at least the features for increasing the rotational speed of an optical recording medium under the particular conditions described in claims 1 and 10. As recited in claims 1 and 10, the rotational speed is increased when the read or write margin of the optical recording medium becomes greater than or equal to a second predetermined value, or when the frequency of generation of the servo abnormality of the tracking servo and/or the focus servo is less than or equal to a second predetermined frequency.

In rejecting claims 1 and 10, the Office Action states in part that “Takayuki discloses ‘specifying the rotational speed’ which inherently has mechanism to increase or decrease the speed, because specifying can be higher or can be lower”(page 3). The Office Action further states that Takayuki “clearly discloses the acceleration [increasing speed] but

also defines second criteria in terms of time,” based on what the Office Action states is a translation of paragraph [007] of the reference (page 8).

Applicants respectfully submit that it is unclear from the translation provided in the Office Action whether Takayuki is referring to acceleration or deceleration. However, even if the Takayuki reference discloses some form of acceleration based on time, or inherently has a mechanism to increase or decrease speed, as suggested in the Office Action, Takayuki still does not disclose or suggest that the rotational speed is increased when the read or write margin of the optical recording medium becomes greater than or equal to a second predetermined value or when the frequency of generation of the servo abnormality of the tracking servo and/or the focus servo is less than or equal to a second predetermined frequency. In other words, Takayuki does not disclose the particular conditions described in the claims under which the rotational speed is increased. As described in the abstract, the device of Takayuki judges that the optical disk is vibrating, and based on this reduces the specified rotational speed. Takayuki does not even mention read or write margins. For these reasons, claims 1 and 10, and their respective dependent claims 2-7 and 11-16 are allowable over Takayuki.

Claims 2-9 and 11-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Takashita (U.S. Pat. No. 6,556,524) in view of Takayuki. Applicant's respectfully traverse this rejection for the reasons given with respect to claims 1 and 10 from which claims 2-9 and 11-18 depend, and because of the additional features recited in these claims.

For all of the above reasons, Applicants request reconsideration and allowance of the claimed invention. The Examiner should contact Applicants' undersigned attorney if a telephone conference would expedite prosecution.

Respectfully submitted,

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